IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 3466 of 2007(K)

PETITIONER:

K.P.KALADHARAN, KALAMANI RICE &
FLOUR MILLS, KAVASSERY P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
PALAKKAD.

2. THE CIRCLE INSPECTOR OF POLICE,
ALATHUR, PALAKKAD DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
ALATHUR, PALAKKAD DISTRICT.

4. INTUC ALATHUR UNIT, ALATHUR,
REP. BY ITS PRESIDENT,
P.M.ABDUL RAHIMAN.

ADDL.R5:

5. THE CHAIRMAN,ALATHUR LOCAL COMMITTEE OF KERALA,
HEAD LOAD WORKERS WELFARE BOARD, PALAKKAD DIST.

ADDL.R5 IS IMPLEADED AS PER ORDER DATED 8.2.2007 IN I.A.NO.1884/2007.

BY ADV. SRI.KOSHY GEORGE FOR ADDL.R5
BY GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE RELEASE DEED DATED 17.3.1982 EXECUTED IN FAVOUR OF THE PETITIONER.

EXT.P2: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN TERMS OF FACTORIES ACT.

EXT.P3: COPY OF THE PETITION DATED 8.1.2007 SUBMITTED BEFORE THE 3RD RESPONDENT.

EXT.P4: COPY OF THE MUSTER ROLL MAINTAINED FOR THE PERIOD OCTOBER, NOVEMBER AND DECEMBER 1998.

EXT.P5: COPY OF THE REGISTER OF WAGES FOR NOVEMBER 1999 AND DECEMBER 1999.

EXT.P6: COPY OF THE ASSESSMENT OF THE YEAR ENDING 31.3.1999.

EXT.P7: COPY OF THE ASSESSMENT OF THE YEAR ENDING 31.3.2001.

EXT.P8: COPY OF THE ASSESSMENT OF THE YEAR ENDING 31.3.2002.

EXT.P9: COPY OF THE ASSESSMENT OF THE YEAR ENDING 31.3.2003.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.3466 OF 2007 (K)

Dated this the 27th day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. Petitioner is conducting a rice mill called “Kalamani Rice & Flour Mills”. Petitioner has got five permanent employees for doing the work of boiling, drying and husking paddy. It is the case of the petitioner that finished products can be loaded by them as well as paddy can be unloaded by them as an incidental work. But the registered head load workers of the area are obstructing the above work. It is the case of the contesting respondents that they were doing the work so far. We are of the view that since the area where the mill is situated is a scheme covered area under the Head load Worker's Act, only registered workers can do the loading and unloading works. Even if the petitioner's permanent employees are able to do the same as an incidental work they should be registered as attached

workers. Here no such registration is there. It is pointed out by the counsel for the respondent Unions that out of five workers they have got three lady workers and they cannot do the work of taking rice bags of 70 kilos each and loading in a lorry. In these circumstances, we are of the view that if the loads are coming in goods autorickshaw or bullock carts petitioner's own employees whose names are mentioned in the petition can be allowed to do the loading and unloading works as an incidental work and police should see that work can be carried out peacefully. But if the goods are to be loaded or unloaded from mini lorries or heavy vehicles the registered employees of the local area only can be employed. This will not prevent the petitioner's workers to apply for registration for its permanent workers as attached workers. With the above directions this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007